

Comment Sheet

APPLICATION SERIAL NUMBER

10/732859

**DOES NOT COMPLY WITH THE
SEQUENCE RULES. See reasons below.**

The computer readable form contains errors. See the attached Raw Sequence Listing Error Report.

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/732, 859 A
Source: JFW/6
Date Processed by STIC: 11/18/2005

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.2.2 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

Raw Sequence Listing Error Summary

<u>ERROR DETECTED</u>	<u>SUGGESTED CORRECTION</u>	SERIAL NUMBER: <u>10/732,859 A</u>
ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE		
1 <u> </u> Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."	
2 <u> </u> Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 <u> </u> Misaligned Amino Numbering	The numbering under each 5 th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	
4 <u> </u> Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.	
5 <u> </u> Variable Length	Sequence(s) <u> </u> contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6 <u> </u> PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) <u> </u> . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	
7 <u> </u> Skipped Sequences (OLD RULES)	Sequence(s) <u> </u> missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ.ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.	
8 <u> </u> Skipped Sequences (NEW RULES)	Sequence(s) <u>7</u> missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000	
9 <u> </u> Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10 <u> </u> Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence	
11 <u> </u> Use of <220>	Sequence(s) <u> </u> missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12 <u> </u> PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.	
13 <u> </u> Misuse of n/Xaa	"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid	



IFW16

RAW SEQUENCE LISTING

DATE: 11/18/2005

PATENT APPLICATION: US/10/732,859A

TIME: 10:02:28

Input Set : A:\10.732859 Sequence Listing (13101.48202).txt

Output Set: N:\CRF4\11182005\J732859A.raw

3 <110> APPLICANT: Turck, Jutta
 4 Archer, John
 6 <120> TITLE OF INVENTION: CONTROL OF GENE EXPRESSION IN EUKARYOTES
 8 <130> FILE REFERENCE: 13101/48202
 10 <140> CURRENT APPLICATION NUMBER: US 10/732,859A
 11 <141> CURRENT FILING DATE: 2003-12-09
 13 <150> PRIOR APPLICATION NUMBER: UK 9828660.2
 14 <151> PRIOR FILING DATE: 1998-12-24
 16 <150> PRIOR APPLICATION NUMBER: US 09/469,211
 17 <151> PRIOR FILING DATE: 1999-12-22
 19 <160> NUMBER OF SEQ ID NOS: 19
 21 <170> SOFTWARE: PatentIn version 3.3

Does Not Comply
 Corrected Diskette Needed

Cpg 1-2)

ERRORED SEQUENCES

7 (Insert)
 E--> 1133 <210>
 E--> 1134 <211>
 E--> 1135 <212>
 W--> 1136 <213>
 E--> 1138 <400>
 W--> 1140 000
 E--> 1143 <210> SEQ ID NO: 8
 1275 <210> SEQ ID NO: 19
 1276 <211> LENGTH: 470
 1277 <212> TYPE: DNA
 1278 <213> ORGANISM: Artificial Sequence
 1280 <220> FEATURE:
 1281 <223> OTHER INFORMATION: Chimeric promoter
 1283 <400> SEQUENCE: 19
 1284 catgcctgca ggtcaacatg gtggagcacg acactctcgt ctactccaag aatatcaaag 60
 1286 atacagtctc agaagaccag agggctattg agacttttca acaaagggta atatcgggaa 120
 1288 acctcctcgg attccattgc ccagctatct gtcacttcat cgaaaggaca gtagaaaagg 180
 1290 aagatggctt ctacaaatgc catcattgcg ataaaggaaa ggctatcggt caagaatgcc 240
 1292 tctaccgaca gtgggtccaa agatgtaccc ccaccacga ggaacatcgt ggaaaaagaa 300
 1294 gacgttccaa ccacgtcttc aaagcaagtg gattgatgtg atatctccac tgacgtaagg 360
 1296 gatgacgcac aatcccacta tccttcgcaa gacccttctt ctatataagt agcgtctgaa 420
 1298 ctagacgtct agcattctag ttgaggaagt tcatttcatt tggagaggac 470
 E--> 1301 2/23
 E--> 1303 1/23

pls delete

<210> 8
<211> 27
<212> DNA
<213> Artificial Sequence

<220>
<223> OHPR3 → Insufficient Response. Give
Source of Genetic Material
<400> 8 See Item # 11 on Error
atcgaattcg gatccatgac caccacc Summary Sheet.

Above is the sample
of the similarly errored
Responses.

VERIFICATION SUMMARY

DATE: 11/18/2005

PATENT APPLICATION: US/10/732,859A

TIME: 10:02:29

Input Set : A:\10.732859 Sequence Listing (13101.48202).txt

Output Set: N:\CRF4\11182005\J732859A.raw

L:1133 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQ ID NO
L:1134 M:210 E: (40) Invalid Number of Sequences, LENGTH:
L:1135 M:310 E: (3) Wrong or Missing Sequence Type, numeric identifier <212>, for SEQ ID#:0
L:1136 M:201 W: Mandatory field data missing, <213> ORGANISM
L:1138 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:0 differs:7
L:1140 M:300 W: (50) Intentionally skipped Sequence, : Sequence Id (7) SEQUENCE:
L:1143 M:216 E: (34) Seq.#s missing, SEQ ID NOS: 1 thru 7
L:1301 M:254 E: No. of Bases conflict, LENGTH:Input:23 Counted:471 SEQ:19
L:1301 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:1303 M:254 E: No. of Bases conflict, LENGTH:Input:23 Counted:472 SEQ:19
L:1303 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:1303 M:252 E: No. of Seq. differs, <211> LENGTH:Input:470 Found:472 SEQ:19